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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,639	10/06/2003	Daniel F. Goldstein	7767-3	3940
30448	7590	01/24/2006		
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER WILLIAMS, DON J	
			ART UNIT 2878	PAPER NUMBER

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

*FK*

<b>Office Action Summary</b>	Application No. 10/679,639	Applicant(s) GOLDSTEIN, DANIEL F.	
	Examiner Don Williams	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/6/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingham (6,819,239).

As to claims 1, Bingham discloses a series of lights (36) are normally "OFF", sensor (34) connected to series of lights (36) for activating them on the occurrence of a predetermined event, and (38) connected to a series of lights (36) and sensor (34) for providing electrical energy. Bingham fails to specifically disclose that the lights are positioned proximate to a walking surface or illuminate a light path, or provide sufficient light to a designated area. It would have been obvious for one ordinary skill in the art to modify Bingham by positioning or locating the series of lights to a specific area of choice to improve the illuminated light pathway of a designated area allowing an individual to maneuver in a safety manner and avoiding a potential accident or interference occurrence, (see figure 2, figure 3, column 7, lines 16-66).

As to claim 2, Bingham discloses a predetermined event is motion in proximity to sensor means (34), (see Abstract, figure 1, column 7, lines 30-61, column 9, lines 32-37, claim 1, claim 19).

As to claim 3, Bingham discloses a series of lights (36) mounted in an area to be illuminated and upon lighting will create an illuminated pathway, a motion sensor (34) connected to a series of lights (36) for illuminating series of lights (36) on the occurrence of motion in proximity to sensor (34), and electrical power (38) connected to a series of lights (36) and motion sensor (34) providing electrical energy. It would have been obvious for one ordinary skill in the art to modify Bingham by positioning or locating the series of lights to a specific area of choice to improve the illuminated light pathway of a designated area allowing an individual to maneuver in a safety manner and avoiding a potential accident or interference occurrence (see Abstract, figure 1, figure 2, column 7, lines 16-29, figure 3, column 7, lines (30-61).

As to claim 4, 5, 6, Bingham discloses a plurality of small lights (14) connected together and located in a path to be illuminated, motion sensor (34) connected to the lights (14) for turning them "ON" upon the occurrence of a predetermined event, and (38) connected to lights (14) and sensor (34) for providing electrical power. Bingham fails to specifically teach the lighting device (14) not illuminating the entire room. It would have been obvious for one ordinary skill in the art to modify Bingham to positioned or locate the lighting device in a specific illuminated pathway of the walking surface walking surface in a room and not illuminate the entire room allowing an individual to maneuver in a safety manner and avoiding a potential accident or

Art Unit: 2878

interference occurrence, (see Abstract, figure 1, figure 2, column 7, lines 16-29, figure 3, column 7, lines (30-61).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Don Williams whose telephone number is 571-272-8538. The examiner can normally be reached on 8:30a.m. to 5:30a.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2878

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Georgia Epps  
Supervisory Patent Examiner  
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